

# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**Terry C. Anderson**  
Director  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 00-073**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### **2. Form, Style and Placement in Administrative Code**

a. SECTION 1 of the rule should read: “Comm 20.04 (1) is renumbered Comm 20.04 (1) (a).” In other words, the renumbered provision should include the notation “Comm” and the appropriate section number. The entire rule should be reviewed for this format.

b. The rule renumbers s. Comm 20.05 (8) as s. Comm 20.05 (9) and then repeals and recreates the newly numbered subsection. The preferable treatment is simply to repeal s. Comm 20.05 (8) and create s. Comm 20.05 (9) in separate SECTIONS. [See also, for example, SECTION 37 of the rule.]

c. In s. Comm 22.28 (2) (c), the word “must” should be replaced by the word “shall.”

d. In s. Comm 23.06 (1) (c), the word “shall” is unnecessary and should be deleted.

e. In s. Comm 23.06 (4), because the introductory sentence does not grammatically lead into following subunits, the sentence should be renumbered as par. (a) and the remaining paragraphs should be renumbered accordingly. [The first sentences of pars. (b) and (c) similarly should be renumbered as subd. 1.]

f. In s. Comm 23.14 (3), the second occurrence of the word “shall” should be replaced by the word “does.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

- a. In s. Comm 20.04 (1) (b), “chapter 21 of this code” should be changed to “chapter Comm 21.” Also, the notation “sub.” should be replaced by the notation “par.”
- b. In s. Comm 21.18 (1) (c) 4. b., the notation “subd.” should be inserted before the final occurrence of the reference “4. a.”
- c. In s. 23.04 (4) (a), a period should be inserted after the notation “par.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

- a. In s. Comm 20.10 (1) (a) 3., should “is received” be inserted after “notification”?
- b. The analysis to the rule should explain why the term “critical” is added to s. Comm 20.10 (1) (b) 4.
- c. In s. Comm 21.03 (6) (e) 5., the word “by” should be inserted after the word “areaway.”
- d. In s. Comm 21.18 (3) (a) 4., how is it determined whether dampproofing material has been found acceptable by the department?
- e. In s. Comm 21.22 (5) (b) 1., the phrase “in a joist” should be inserted after “bored.”
- f. In s. Comm 21.25 (6) (c) 3., what is to be determined through structural analysis or load testing? This point should be clarified. This comment also applies to s. Comm 21.25 (6) (d).
- g. Section Comm 21.29 (6) (b) requires that “the hearth and hearth extension shall be a minimum of four inches of reinforced concrete.” This requirement appears to conflict with par. (a), which simply requires fireplaces to have a hearth extension made of noncombustible material, not specifically reinforced concrete.
- h. It appears that the rule should provide a definition of the term “balanced,” used in s. Comm 23.02 (3) (a) 1. In addition, what is a “makeup purpose,” referred to in s. Comm 23.02 (3) (a) 3.?
- i. In s. Comm 23.04 (4) (c) 1. (intro.), “Except as provided in subd. 3.” should be inserted at the beginning of the sentence.
- j. In s. Comm 23.04 (4) (c) 1. a., the phrase “in which the appliance is located” should be inserted immediately after the first occurrence of the word “space.”
- k. Section Comm 23.06 (1) (b) provides that appliances provided with a direct supply of outside air for combustion in accordance with the manufacturer’s installation instructions and listing are not required to comply with this section. Subsection 2 then states, in part, that air for

combustion and dilution for naturally vented appliances requiring air to be taken from within the building must be provided from air outside the building in accordance with sub. (4). Section Comm 23.06 (1) (b) seems to conflict with s. Comm 23.06 (2) (b) and (4). The rule should be clarified.

- l. In s. Comm 23.06 (5) (b), it appears that “from” should be changed to “by.”
- m. What are “the operating requirements of the system” referred to in s. Comm 23.062?